

AO 91 (Rev. 08/09) Criminal Complaint

FILED

UNITED STATES DISTRICT COURT

APR 11 2022

for the

Northern District of Oklahoma

Mark C. McCart, Clerk
U.S. DISTRICT COURT

United States of America
v.

Case No.

22-mj-037-JFJ

GARY LEE SMITH, JR.

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of April 11, 2022 in the county of Tulsa in the
Northern District of Oklahoma, the defendant(s) violated:

Code Section

Offense Description


26 U.S.C. § 5861(d)

Possession of a Firearm not Registered in the National Firearm Registration
and Transfer Record

This criminal complaint is based on these facts:

See Attached Affidavit

☒ Continued on the attached sheet.



Complainant's signature

TFO Donald Cox, ATF

Printed name and title

Sworn to before me and signed by telephone.

Date: 04/11/2022



Judge's signature

City and state: Tulsa, OK

Jodi F. Jayne United States Magistrate Judge

Printed name and title

AFFIDAVIT

Donald Cox "Affiant" being duly sworn does depose and state the following:

OFFICER BACKGROUND AND INTRODUCTION

1. I am a police officer with the Tulsa Police Department and have been so for over eleven years. I am currently assigned to the Special Investigations Division and work in the Crime Gun Unit. I am also a Federal Task Force Officer with the Bureau of Alcohol, Tobacco, Firearms and Explosives. I am a federal law enforcement officer as defined under Rule 41(a)(2)(C) and am authorized to request this search warrant because I am a government agent who is engaged in enforcing federal criminal laws and I am within the category of officers authorized by the Attorney General to request such a warrant. Prior to working in the Crime Gun Unit, I was an investigator with the Narcotics unit and also held positions as a patrol officer in the Gilcrease Division.
2. I am a 2005 graduate from George Mason University with a Bachelor's Degree in Sociology. I have also completed the Tulsa Police Department's Police Academy- accredited through the Council on Law Enforcement Education and Training (CLEET), The DEA Basic Narcotics Investigator Course.
3. I have completed continued education to include the CLEET Basic Investigator Course, the Oklahoma Gang Investigator's Association Gangs 101 course, and Multijurisdictional Counterdrug Task Force Training through HIDTA (High Intensity Drug Trafficking Area) in Gangs and the Transnational Threat. Additionally, I have received training in the recognition of controlled dangerous substances by the Tulsa Police Academy.
4. I have attended a three-month academy at the Federal Law Enforcement Training Center, for employment of the United States Secret Service in 2006. Also, I graduated from the United States Secret Service training academy located in Beltsville, Maryland in 2006. I was stationed at the White House while employed by the United States Secret Service. My duty assignment while employed by the United States Secret Service, was the protection of President G.W. Bush and the first family.
5. During my tenure as an investigator, I have been the affiant on numerous state and federal search warrants. Additionally, I have been involved in multiple investigations over my career which have resulted in the seizure of controlled substances and firearms, resulting in the successful prosecution of the individuals involved. During my career, I have received hundreds of hours of training, including training regarding the investigation of those who are involved in the armed illicit distribution of controlled substances and training regarding individuals who commit fraudulent acts. I have received training and


have experience including but not limited to, working in an undercover capacity, surveillance, management of confidential informants, drug-trafficking conspiracies, money laundering, organized criminal activity investigations, the preparation and execution of firearm and drug related search warrants and debriefing informants and witnesses.

6. I have conducted and assisted in numerous federal firearms and narcotics investigations. As a result of my training and experience, I am familiar with the federal firearms laws and know that it is unlawful for a person who is a previously convicted felon to possess a firearm or ammunition which has been shipped or transported in interstate or foreign commerce, as defined in Title 18 U.S.C. Section 922(g)(1).
7. This Affidavit is for the limited purpose of establishing probable cause to support the Criminal Complaint, so it contains only a summary of relevant facts. I have not included each and every fact known to me concerning the entities, individuals, and the events described in this Affidavit. The statements made in this Affidavit are based in part on: (a) my personal participation in this investigation; (b) information provided to me by other law enforcement officers and agents, and other law enforcement reports; (c) my training and experience and the training and experience of other law enforcement agents and officers; and (d) my review of court records and court documents.
8. I have set forth only the facts that I believe are necessary for the issuance of a Complaint and Arrest Warrant for Gary Lee Smith Jr., born xx/xx/1988 Social Security Account Number xxx-xx-3373 for violations of Title 26, U.S.C. 5861(d), to receive or possess a firearm that is not registered to him in the National Firearms Registration and Transfer Record.

FACTS SUPPORTING PROBABLE CAUSE


9. On April 11th, 2022, Officers with the Tulsa Police Department and Special Agents with the ATF, served a Tulsa County narcotics search warrant at 9922 East 21st Place. The target of the search warrant was Gary Lee Smith, Jr.
10. Law enforcement officers came into contact with a Gary Lee Smith Jr. (Smith) during the service of the search warrant.
11. Officer located a quantity of controlled drugs, firearms and an Advanced Armament Corp. TI-Rant .45 auto silencer bearing serial number TR45 4347. The Silencer was located in Smith's room on his dresser. The silencer is registered in the National Firearms Registration and Transfer Record to 'Revocable Living Trust' to which Gary Smith is not associated.

12. The terms "firearm silencer" and "firearm muffler" mean any device for silencing, muffling, or diminishing the report of a portable firearm, including any combination of parts, designed, or redesigned, and intended for use in assembling or fabricating a firearm silencer or firearm muffler, and any part intended only for use in such assembly or fabrication. Possession of a silencer requires registration in the National Firearms Registration and Transfer Record.
13. To the best of your affiant's knowledge and belief, all statements made in this affidavit are true and correct. Based on the foregoing facts, I believe probable cause exists for the issuance of an arrest warrant for Gary Lee Smith, Jr. for a violation of Title 26 U.S.C § 5861(d) for the incident described in this criminal complaint.



Donald Cox
Task Force Officer, ATF

Sworn to and subscribed before me this 11th day of April, 2022.



Jodi F. Jayne,
U.S. Magistrate Judge